

EXHIBIT 1

INTRODUCTION

Respondent Patricia Moran is a member of the Laytonville Municipal Advisory Council (the "Advisory Council"). As a member of the Advisory Council, Respondent is a designated employee of the County of Mendocino, as defined in Section 82019, subdivision (c), of the Political Reform Act (the "Act"),¹ and in Mendocino County's conflict of interest code.

As required by the Act and Mendocino County's conflict of interest code, each designated employee of the county must file an annual statement of economic interests ("SEI") by April 1st of each year (unless April 1st falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day).² On the statement of economic interests, the designated employee must disclose the reportable economic interests that he or she held during the preceding calendar year.

In this matter, Respondent failed to timely file a 2000 annual statement of economic interests by the April 2, 2001 due date.

The Enforcement Division handled this case on an expedited basis under the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this Stipulation, Respondent's violations are stated as follows:

COUNT 1: As a designated employee of the County of Mendocino, Patricia Moran failed to timely file a 2000 annual statement of economic interests, by April 2, 2001, in violation of Section 87300.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to assure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87300 requires every agency to adopt and promulgate a conflict of interest code. The agency's conflict of interest code must specifically designate the employees of the agency who are required to file statements of economic interests disclosing their reportable investments, business positions, interests in real property, and other income. Under Section 82019, subdivision (c), and Section 87302, subdivision (a), the persons

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Regulation 18116.

who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency, whose position with the agency entails making, or participating in making, governmental decisions that may have a reasonably foreseeable material effect on a financial interest.

Section 87302, subdivision (b), provides that under an agency's conflict of interest code, each designated employee of the agency must be required to annually file a statement of economic interests, for each year that the employee remains in office, at a time specified in the agency's conflict of interest code, disclosing his or her reportable financial interests during the preceding calendar year.

Under Section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

SUMMARY OF THE FACTS

Respondent Patricia Moran has been a member of the Laytonville Municipal Advisory Council for three years. The Advisory Council makes substantive recommendations to the Mendocino County Board of Supervisors. As a member of the Advisory Council, Respondent is a designated employee of Mendocino County, as defined in Section 82019, subdivision (c), and in the Mendocino County's conflict of interest code.

Mendocino County's conflict of interest code requires Respondent to file an annual statement of economic interests, for each year that she serves as a member of the Advisory Council, by April 1st of the following year (unless April 1st falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day).

On February 8, 2001, Mendocino County Deputy Clerk-Recorder Melissa Mack sent a letter to Respondent informing her that her 2000 annual SEI was due by April 2, 2001. In spite of this reminder, Respondent failed to file her 2000 annual SEI by the April 2, 2001 due date. Ms. Mack therefore sent a second letter to Respondent on April 4, 2001, advising her that her 2000 annual SEI was past due.

On May 25, 2001, Investigator Bonnie Swaim of the Enforcement Division spoke with Respondent by telephone, and reminded her that her 2000 annual SEI remained past due. On May 31, 2001, Respondent filed the statement.

ADDITIONAL INFORMATION

Respondent has a prior history of filing late statements. In 1999, Respondent filed her 1998 annual SEI eight days late on April 9, 1999. In 2000, Respondent filed her 1999 annual SEI two weeks late on April 18, 2000. In both cases, no action was required by the Enforcement Division to induce Respondent to file.

CONCLUSION

This matter consists of one count of violating Section 87300, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). However, under the SEI Expedited Procedures program, the approved administrative penalty for an individual who files a delinquent SEI within 30 days of being contacted by the Enforcement Division is between Two Hundred and Three Hundred Dollars (\$200-\$300).

The facts of this case, particularly the fact that Respondent failed to timely file two previous SEI's, justify imposition of the agreed upon penalty of Three Hundred Dollars (\$300).